



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.22303 of 2021

and

W.M.P. (MD) Nos.18864 & 18866 of 2021

P.Shanthi

... Petitioner

-vs-

1.The District Collector,
Trichy District, Trichy.

2.The District Project Officer,
O/o. The Integrated Child Development Programme,
Trichy District, Trichy.

3.The Child Development Project Officer,
Manapparai Taluk, Trichy District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the for the records pertaining to the impugned order of suspension passed by the 2nd respondent in Se.Mu.Na.Ka.No.188/A3/2020, dated 18.02.2020 and quash the same and consequently direct the respondents to reinstate the petitioner into services with all attendant service and monetary benefits.

For Petitioner : Ms.P.Kalaiyarasi Bharathi

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader

O R D E R

The order of suspension dated 18.02.2020 is under challenge in the present writ petition.

2.The petitioner, who was working as Anganwadi Assistant, was placed under suspension on account of registration of criminal case under Sections 294(b), 307 and 506(ii) IPC. The criminal case is still pending.



3.This Court is of the considered opinion that the authorities competent have to take a decision whether to continue the departmental disciplinary proceedings during the pendency of the criminal case or to keep the proceedings in abeyance. If relevant records are available with them, they can proceed with the departmental enquiry. In the event of non-availability of records, and if a decision is taken to keep the proceedings in abeyance, then the order of suspension is to be reviewed by the competent authorities. Unnecessary prolonged suspension needs to be avoided by the competent authorities.

4.In the present case, the order of suspension was issued on 18.02.2020 on account of the registration of criminal case. Thus, the respondents are bound to take a decision whether to continue the departmental disciplinary proceedings by collecting the evidences and documents available and if that is not possible, then review the order of suspension for reinstatement and post the petitioner in any one of the non-sensitive posts. However, prolonged suspension is to be avoided.

5.The learned counsel for the petitioner made a submission that the subsistence allowance has not been paid to the petitioner.

6.The petitioner's eligibility regarding the subsistence allowance cannot be denied. Therefore, the respondents are directed to pay the subsistence allowance as admissible to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7.With the above observations and direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1.The District Collector,
Trichy District, Trichy.



2.The District Project Officer,
O/o. The Integrated Child Development Programme,
Trichy District, Trichy.

3.The Child Development Project Officer,
Manapparai Taluk, Trichy District.

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-12069[F] dated 15/03/2022)

+1 CC to M/s.SPL GP (SR-12513[F] dated 16/03/2022)

W.P. (MD) No.22303 of 2021
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